

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 30, 2005

DIVISION ONE

B171981 Finova Capital Corp. (Not for Publication)
 v.
 Saint Damian Pharmacy, Inc.

The judgment is reversed, and the caused is remanded to the superior court with directions (1) to vacate its order granting summary judgment, (2) to enter a new order denying summary judgment, (3) to direct plaintiff to take any and all action necessary to obtain from the bankruptcy court an order determining whether defendant is bound by the confirmation order, (4) to direct both plaintiff and defendant to raise in the bankruptcy court any and all bankruptcy-related issues (or be forever precluded from raising those issues in this action), and (5) to stay all proceedings in this action until the bankruptcy issues are resolved. The parties are to pay their own costs of this appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

B178910 Huntington Memorial Hospital (Not for Publication)
 v.
 Alsamann et al.

Defendants' appeal from the order overruling their demurrer and from the order denying their motion for reconsideration of the order denying their motion to strike is dismissed. The order denying defendants' motion to strike (§425.16) is affirmed. Huntington is awarded its costs of appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Suzukawa, J. (Assigned)

DIVISION ONE (Continued)

B176722 Daniels (Not for Publication)

V.

Los Angeles Unified School District et al.

The order of dismissal is affirmed. Defendants are awarded their costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B176737 Caruso Affiliated Holdings LLC. (Not for Publication)

V.

General Growth Properties Inc., et al.

The appeals by General Growth, GGP/Homart II, LLC, and the New York State Common Retirement Fund are dismissed as moot. On Caruso's cross-appeal, that part of the order dismissing the third cause of action is reversed, and that part of the order denying the motion to strike the first and second causes of action is affirmed. We remand to the trial court with directions to enter a new order denying the motion in its entirety. All parties are to pay their own costs.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

June 30, 2005 (Continued)

DIVISION ONE (Continued)

[illegible]

We vacate the sentence and remand for resentencing in accord with the views stated above. In all other respects, the judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION THREE

B180666 People (Not for Publication)
v.
Olivas

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B174608 Linda Caldwell, et al (Not for Publication)
v.
Andrew H. Hong

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B168665 Angela Ann Bernard, et al. (Certified for Publication)
v.
James Foley, as Trustee, etc.

The judgment is reversed with directions to enter judgment invalidating the seventh amendment to the Trust. The matter is remanded for further proceedings consistent with this opinion. Appellants shall recover their costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B175061 Mehrdad Nemanpour (Not for Publication)
v.
Jee Jung Kim

The order denying the motion to vacate the default judgment on the complaint and the judgment of dismissal on the cross-complaint is affirmed. Nemanpour's request for sanctions on appeal is denied. Nemanpour shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B172988 John De Coster (Not for Publication)
v.
Chaminade College Preparatory

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (Continued)

[illegible]

The judgment is reversed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B177112 Audrey Long (Not for Publication)
v.
Chin Hua Jenny Lee Tsai

The judgment is affirmed. The order awarding attorney fees to plaintiff is affirmed. The matter is remanded to the trial court. Plaintiff is the prevailing party on appeal. Plaintiff shall be permitted to file a motion in superior court for attorney fees on appeal. Plaintiff is also entitled to costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B172225 Washington Mutual Bank, FA., (Not for Publication)
v.
Cen Fed, LTD., et al.

The trial court judgment is reversed. Section 9(b) of the Lease authorized Cen Fed to insert the CPI provision into the rental pricing structure. This action is remanded to the trial court with directions to enter judgment in favor of defendants. Defendants are awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

June 30, 2005 (Continued)

DIVISION THREE (Continued)

B175065 South Central Farmers Feeding Families, et al. (Not for Publication)
v.
City of Los Angeles, et al.

The order granting the preliminary injunction is reversed. Costs on appeal are awarded to defendants the City of Los Angeles and the City of Los Angeles Harbor Department; LHIC; Ralph Horowitz, individually and as trustee/conservator of the Horowitz Family Trust; and the Horowitz Family Trust.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FIVE

B177581 People (Not for Publication)
v.
Terry Owens

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B177275 People (Not for Publication)
v.
James L. Carr Jr.

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

June 30, 2005 (Continued)

DIVISION FIVE (Continued)

B175882 People
v.
James Carl Queen

Filed submission order, cause submitted.

[illegible]

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B182476 Richard F.
v.
The Superior Court of Los Angeles County
Los Angeles County, D.C.S.

Filed submission order, cause submitted.

B182476 Richard F. (Not for Publication)
v.
The Superior Court of Los Angeles County
Los Angeles County, D.C.S.

The petition for extraordinary writ is denied. Pursuant to California Rules of court, rule 24(b)(3), this opinion is made final forthwith as to this court.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

June 30, 2005 (Continued)

DIVISION FIVE (Continued)

B180849 People (Not for Publication)
v.
James Thompson

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B175801 Stanley Heller (Not for Publication)
v.
Circle K. Stores, Inc.

The attorney fee award is reversed. Each side is to bear its own costs on appeal. The cause is remanded for proceedings consistent with the views expressed in this opinion.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

B174288 People (Not for Publication)
v.
Vernon

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

B173507 People (Not for Publication)
v.
Colwell

The concurrent sentences for count 2, brandishing a weapon, and for count 4, carrying a concealed weapon in a public place, are stayed pursuant to section 654. The superior court is ordered to prepare a modified abstract of judgment reflecting the stays and shall forward a copy to the Department of Corrections. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

[illegible]

The judgment (order) is reversed. Costs on appeal are awarded to appellant.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B177506 People (Not for Publication)
v.
Golod et al.,

The judgments of conviction are affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

June 30, 2005 (Continued)

DIVISION SIX (Continued)

B177442 People (Not for Publication)
v.
Arnold

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B179231 Smith (Not for Publication)
v.
Mervis

The order awarding Smith attorney's fees and costs in the amount of \$11,236 is reversed. Mervis is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B171872 People (Not for Publication)
v.
Wagner

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B176774 People v. Garcia
B176922 People v. Cribbs
B178494 People v. Munoz

Argument waived, cause submitted.

B175513 Edward C. Navarro
 v.
 Superior Court, Los Angeles County
 (The People, r.p.i.)

Merits:

Argued by Angelyn Gates for petitioner and by Patrick Moran, Deputy District Attorney for real party in interest. Cause submitted.

B173591 People
 v.
 Donna Navarro

Merits:

Argued by Angelyn Gates for appellant and by Jonathan K. Kline, Deputy Attorney General for respondent. Cause submitted.

B174410 Gail & Ornelas
 v.
 Consolidated Computer Training, Inc.,

Appearances:

Darryl Dickey and Debra L. Koven for appellants and Bruce Adelstein for respondent. Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B175291 People
 v.
 Lee

Merits:

Argued by Tracy Green for appellant and by Ryan M. Smith, Deputy Attorney General, for respondent. Cause submitted.

B171806 M.A. Butters & Associates
 v.
 City Of Lancaster

Merits:

Argued by F. Glenn Nichols for respondent and appellant and by Douglas J. Evertz for appellant and respondent. Cause submitted.

B175738 Sequeira et al.,
 v.
 Clippinger Chevrolet Oldsmobile

Merits:

Argued by Ronald Gold for appellant and respondent and by Steven A. Simons for respondent and appellant. Cause submitted.

B178576 Rosenthal
 v.
 Lieber

Merits:

Argued by Jerome B. Rosenthal, appellant in propria persona and by Stanley P. Lieber for respondent. Cause submitted.

Flier, J. leaves the bench.

June 30, 2005 (Continued)

DIVISION EIGHT (Continued)

B172526 Nikmanesh
 v.
 Vons Companies, Inc.,

Merits:
Argued by Emmanuel C. Akudinobi for appellant and by Vincent
Calderone for respondents. Cause submitted.

Court recessed at 11:15 a.m.

Court reconvened at 11:25 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

B181878 Burkle
 v.
 Burkle
 Press Organizations LA Times Communications LLC

Merits:
Argued by Hillel Chodos for respondent and by Patricia L. Glaser for
appellant and by Kelli L. Sager for Intervenor. Cause submitted.

Each of the following:

B175028 Hobbs v. City Of Los Angeles et al.
B167651 California Federal Bank v. B & H custom Window & Door
B177201 People v. Jackson
B171758 People v. Rivas

Oral argument continued to July 28, 2005, at 9:00 a.m.

Court adjourned.

June 30, 2005 (Continued)

DIVISION EIGHT (Continued)

B175261 People (Not for Publication)
v.
Floyd

The order denying the petition for writ of coram nobis is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.